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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re Application of STEPHEN F. GASS, DAVID S. D'ASCENZO, ANDREW L. JOHNSTON, JOEL F. JENSEN, SUNG H. KIM and ANWYL M. MCDONALD	Date: April 28, 2010
Serial No. : 09/929,236	Examiner Ghassem Alie
Filed : August 13, 2001	Group Art Unit 3724
For : REPLACEABLE BRAKE MECHANISM FOR POWER EQUIPMENT	

To: Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**REPLY TO A DECISION DISMISSING A REQUEST FOR RECALCULATION
OF A PATENT TERM ADJUSTMENT IN VIEW OF WYETH**

Applicant received a decision mailed April 22, 2010 dismissing a request for recalculation of a patent term adjustment in view of *Wyeth*. The notice said the request was ineligible for one or more of seven reasons labeled A-G. However, none of those seven reasons apply, and therefore, the dismissal was improper.

None of the seven reasons apply because: A) the application is not a design or reissue application; B) the application was filed on Aug. 13, 2001, which is after May 29, 2000; C) the application is not an international application; D) the patent issued Nov. 3, 2009, which is before March 2, 2010; E) the request was filed April 14, 2010, which is within 180 days from the issue date, and there

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had not been a dismissal of a request for reconsideration; F) the request is solely limited to a *Wyeth* adjustment; and G) no civil action has been filed.

Accordingly, the dismissal of the request for recalculation was improper and the request should have been considered. Applicant requests reconsideration.

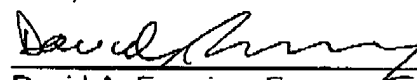
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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent Office to facsimile number: (571) 273-8300 on April 28, 2010.


David A. Fanning

Respectfully submitted,

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